

Eaton, MS.

NOV 19 2007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEES OF THE LAUNDRY, DRY CLEANING
WORKERS AND ALLIED INDUSTRIES HEALTH
FUND, UNITE HERE!; and TRUSTEES OF THE
LAUNDRY, DRY CLEANING WORKERS AND
ALLIED INDUSTRIES RETIREMENT FUND,
UNITE HERE!

Plaintiffs,

-against-

B&M LINEN CORP. D/B/A MIRON & SONS
LINEN SUPPLY A/K/A MIRON & SONS LINEN,
INC.,

Defendant.
-----X

07-CV-6999 (DLC) (DFE)

(Assigned to Magistrate
Douglas F. Eaton)

**[PROPOSED] ORDER RE:
SUBSTITUTION OF
COUNSEL**

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 11/26/07

UPON APPLICATION of plaintiffs, and good cause appearing therefor, it is hereby

ORDERED that Thomas M. Kennedy, of Kennedy, Jennik & Murray, 113 University
Place, New York, New York 10003 shall be permitted to substitute as counsel for plaintiffs.

Dated: 11/26/07

Signed: _____

Douglas F. Eaton

United States Magistrate Judge

h

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEES OF THE LAUNDRY, DRY CLEANING
WORKERS AND ALLIED INDUSTRIES HEALTH
FUND, UNITE HERE!; and TRUSTEES OF THE
LAUNDRY, DRY CLEANING WORKERS AND
ALLIED INDUSTRIES RETIREMENT FUND,
UNITE HERE!

07-CV-6999 (DLC)

(Assigned to Magistrate
Douglas F. Eaton)

**AFFIDAVIT OF THOMAS
THOMAS M. KENNEDY**

Plaintiffs,

-against-

B&M LINEN CORP. D/B/A MIRON & SONS
LINEN SUPPLY A/K/A MIRON & SONS LINEN,
INC.,

Defendant.

-----X
State of New York)
) ss.:
County of New York)

THOMAS M. KENNEDY, being duly sworn, deposes and says as follows:

1. I am a member of the firm of Kennedy, Jennik & Murray, P.C. I submit this Affidavit pursuant to Local Civil Rule 1.4 of this Court in support of this firm's request for leave to substitute as Plaintiffs' attorney of record. I am fully familiar with the proceedings conducted thus far in the above-captioned matter.

2. Plaintiffs previously retained Mark Schwartz, Esq., of Amalgamated Life Insurance, Co., as counsel in connection with the above-captioned matter.

3. Plaintiffs recently retained Kennedy, Jennik & Murray, P.C. in the place of Mr.

Schwartz in said matter.

4. For the following reasons, Plaintiffs seek leave for Plaintiffs' attorney of record to be substituted by Kennedy, Jennik & Murray, P.C.

a. Kennedy, Jennik & Murray, P.C. is counsel to the Laundry, Dry Cleaning and Allied Workers Joint Board, UNITE HERE! (the "Union"), an unincorporated labor organization with a collective bargaining agreement (the "Agreement") with Defendant, pursuant to which Agreement Defendant had to make the contributions to the Plaintiff Funds that are at issue in the above-captioned matter (*see* Complaint, ¶ 4).

b. As counsel to the Union, Kennedy, Jennik & Murray, P.C. *inter alia* handles all arbitrations of grievances that arise under the Agreement.

c. Currently, four grievances against Defendant arising under the Agreement are scheduled for arbitrations. These grievances have questions of law and fact in common with the above-captioned matter. Accordingly, it is in the interest of the Plaintiff Funds and the Union to have the same counsel handle both the aforementioned grievances and the above-captioned matter.

5. The above-captioned matter was brought pursuant to the Employee Retirement Income Security Act.

6. The only proceeding held to date in this matter was an Initial Pre-Trial Conference. No discovery has been conducted to date.

WHEREFORE, deponent respectfully requests that the Court grant leave for Plaintiffs' attorney of record to be substituted by Kennedy, Jennik & Murray, P.C.


THOMAS M. KENNEDY (TK-0993)

Sworn to before me this 16
day of November, 2007.



Notary Public

LARRY MAGARIK
NOTARY PUBLIC, State of New York
No. 02MA5082508
Qualified in Kings County
Certificate Filed in Kings County
Commission Expires July 28, 2011